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8 UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 JESUS CASTILLO, MARK KNOWLES, ALEX
11 RODRIGUEZ, AND NICHOLAS JAMES
THROLSON, individually, and on behalf of
12 those similarly situated,

13 Plaintiffs,

14 v.

15 COSTCO WHOLESALE CORPORATION, a
Washington corporation,

16 Defendant.
17

NO. 2:23-cv-01548-JHC

**ORDER GRANTING PLAINTIFFS'
MOTION FOR APPOINTMENT OF
INTERIM LEAD COUNSEL AND
EXECUTIVE COMMITTEE**

18 THIS MATTER, comes before the Court by Plaintiffs Jesus Castillo, Mark Knowles,
19 Alex Rodriguez, Nicholas James Throlson, R.S., Matt Groves, Vern Deochoa, Kimberly Scott,
20 Robin Warbey, Jacob Davis, Marcos Ramos, and Daniel Smith (collectively “Plaintiffs”) in the
21 above-captioned case by their Motion for Appointment of Interim Co-Lead Counsel and
22 Executive Committee. Dkt. # 12. Having considered the motion, supporting materials, the
23 criteria set forth in Federal Rule of Civil Procedure 23(g), and the Court having been advised
24 that Defendant Costco Wholesale Corporation takes no position with respect to this motion, IT
25 IS ORDERED that the Motion is GRANTED as set forth below:
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1 1. The Court hereby appoints Kim D. Stephens and Tousley Brain Stephens PLLC
2 (“Tousley”) and Hart L. Robinovitch and Zimmerman Reed LLP (“Zimmerman Reed”) as
3 Interim Co-Lead Class Counsel to act on behalf of the Plaintiffs and the putative class of
4 consumers who allege their personal identifying and health information was disclosed to a third
5 party through Defendant’s website without authorization or consent, with the responsibilities
6 set forth below:

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- 8 a) Direct and manage pretrial proceedings on behalf of all plaintiffs, including the
9 briefing and argument of motions and the conduct of all types of discovery
10 proceedings;
 - 11 b) Delegate work responsibilities to other plaintiffs’ counsel, and monitor the
12 activities of all plaintiffs’ counsel to assure that plaintiffs’ pretrial preparation is
13 conducted effectively, efficiently, and economically, that schedules are met, and
14 that unnecessary expenditures of time and expense are avoided;
 - 15 c) Consult with and employ consultants or experts, as necessary;
 - 16 d) Coordinate with members of the Executive Committee in management of the
17 litigation and fund the necessary and appropriate costs of discovery and other
18 common benefit efforts;
 - 19 e) Coordinate settlement discussions or other dispute resolution efforts on behalf of
20 plaintiffs, under the Court’s supervision, if and as appropriate;
 - 21 f) Enter into stipulations with other parties as necessary for the conduct of the
22 litigation;
 - 23 g) Prepare and distribute to the plaintiffs and counsel periodic status reports;
 - 24 h) Maintain adequate time and disbursement records covering services as
25 appointed counsel; and,
 - 26 i) Perform such other duties as may be incidental to proper coordination with the
 Executive Committee of plaintiffs’ pretrial activities or as authorized by further
 Order of the Court.

1 Co-Lead Counsel are also hereby designated as Interim Co-Lead Class Counsel under
2 Rule 23(g) to “act on behalf of a putative class before determining whether to certify the class
3 as a class action.” Fed. R. Civ. P. 23(g)(3).

4 2. The Court hereby establishes the Plaintiffs’ Executive Committee and appoints
5 Alexandra M. Honeycutt and Milberg Coleman Bryson Phillips Grossman, PLLC; Stephen R.
6 Bassier and Barrack Rodos & Bacine; and Mark S. Reich and Levi & Korsinsky LLP as
7 members of the Executive Committee. Members of the Executive Committee shall meet and
8 confer with Interim Co-Lead Class Counsel as needed regarding the completion of plaintiffs’
9 pretrial and trial activities, including the duties set forth in paragraph 1 above. The Executive
10 Committee shall participate in the determination of any significant matters that arise in the
11 litigation.
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13 3. Unless otherwise ordered by the Court upon a showing of good cause, this Order
14 shall apply to any action filed in, transferred to, or removed to this Court which relates to the
15 subject matter at issue in this case.
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17 DATED 29th day of December, 2023.

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20 John H. Chun
21 United States District Judge
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